Preserve

G. R. S. IX-5]

Previous references.

Geol 33-18 (3-6)
" 33-18 (1-2)
" 70-17 (3-6)

191 8.
(Geol)

File No. 33-18

Serial Nos. 7 to 10

Later references.

Geol 11-9 (142)
Geol 73-21

Preserved

(12)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. ~~Four~~

Part B for June 19.

SUBJECT.

Rules for the grant of prospecting licenses and mining leases in British India.

Sl (10) To, The Director, Dept of Mines & Geology
No G 28746 dt 27.6.19.
For a copy of this letters rept
& ri Sl 9.

Qus
2.7

W. D. 1250—GPB—30,000 - 28-1-19

G. R. S. III—1] 1918-19

GENERAL AND REVENUE SECRETARIAT.

(Geol)

NOTES.

File No. 33-8

FILE HEADING.

Rules for the grant of prospecting licences & mining leases in British India.

From

The A. A. Resident

No. 4493. Dated 9-6-19 Received 11-6-19

Diary No. 20869	Enclos.	Spare Copies.	Serial No. 7

BRIEF ABSTRACT OF LETTER.

Forwards for information a copy of letter dt 17-4-19 from the Govt of India dept of commerce & industry to the Chief Commissioner of Assam issuing instructions in regard to certain questions raised in connection with applications for licenses to prospect for coal & for oil & other mineral products in respect of the same area.

NOTES AND ORDERS.

Submitted with two alternative drafts.

AUS. 12-6-19. Ely

Issue d/f & HM 13/6.

8 To The A A Resident
Pol 1255 dt 16-6-19
Requests that two more copies of letter referred to in P/7 may be sent if convenient.

NOTES—First Sheet.

G. R. S. III-2]

21118

General and Revenue Secretariat.	Geol File No. 33 of 1918-19.

Serial No.	
9	From The T.A. Resident No 4783 dt 19-6-19 forwards two copies of letters ~~called~~ asked for in ft nos. The communication received from the Residency has not been signed. May the draft letter to Director, already put up, issue? Submitted for orders. AHS 21-6-19 The draft may be ordered to be issued Done GW 23/6
10	To The Director Dept: of Mines & Geol G. 28726 dt 27.6.1919 forwards a copy of the letters ref'd to in ltg.

CHIEF SECRETARIAT IV 30 JUN 1919

NOTE—Contn. sheet.

Col Hill

20869 3

MARY

MYSORE RESIDENT'S OFFICE,

Bangalore, 9 June 1919.

CHIEF SECRETARIAT. IV MINOR Depts. 10 JUN 1919

Cont. No. 4493/Home

each

A copy of the marginally* noted letters, ~~with enclosure~~, is forwarded with Compts to the Chief Secretary to the Govt. of Mysore, for information in continuation of Major James' letter no. 767, dated the 28th January 1919.

*No. 4643-R dated 7-12-1918 from the Chief Commr & Resdt to ~~from~~ the Govt. of India, Dept. of Commerce & Industry

No. 2094, dated 17-4-1919, from the Govt. of India, Dept. of Commerce and Industry to the Chief Commissioner of Assam.

J. R. Wm Cs.

for First Assistant Resident.

R. O. 178 (a).—R. P. B.—4-1919.—1.000.

No. 4443-R., dated Shillong, the 7th December 1918.

From—The Hon'ble Mr. J. E. Webster, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner of Assam,

To—The Secretary to the Government of India, Department of Commerce and Industry.

I am directed to submit for the orders of the Government of India certain questions which have arisen in connection with applications for licenses to prospect for coal and for oil and other mineral products in respect of the same area.

2. In Mr. Gruning's letter No. 7583-7595-121, dated the 15th September 1913, it is said that a prospecting license now confers on the licensee the sole right to work all minerals, instead of only those specified in the license. In Mr. Elliott's letter No. 5956-184, dated 17th July 1916, it is explained that the separate agreement regulating the working of reserved minerals should be used whenever reserved minerals are expressly or generally included in a prospecting license; and that the same forms and procedure should be adopted for prospecting licenses for oil with a few modifications.

Section 1 of the model form of license reserves to the Secretary of State liberty to allow other persons to enter upon the land for purposes other than those for which sole right and license are demised to the licensee, but it is nowhere clearly stated whether that liberty extends to the grant of a prospecting license for minerals other than those specified in Section 1 (1) of the license.

3. I am to enquire :—

(*a*) whether a prospecting license for coal necessarily confers the right to prospect for and work (1) other minerals, (2) mineral oil.

(*b*) whether it necessarily confers on the licensee the right to obtain a mining lease for (1) other minerals, (2) mineral oil.

Under the old rules licenses to prospect for different minerals in the same area could be granted to different persons, and it was held by the Government of Eastern Bengal and Assam that an individual requiring license to prospect for coal and oil should receive two separate licenses and pay separate ground rent and security deposit for each license. Even under the present rules licenses to prospect for coal have been given without consideration of the question whether this implies a right to prospect for, or to obtain a mining lease for, oil.

This procedure is convenient, but the new orders have created doubts as to whether it is correct.

No. 2094, dated Simla, the 17th April 1919.

From—G. L. Corbett, Esq., I.C.S., Deputy Secretary to the Government of India,

To—The Hon'ble the Chief Commissioner of Assam.

I am directed to refer to the Hon'ble Mr. Webster's letter No. 4443-R., dated the 7th December 1918, enquiring—

(*a*) whether a prospecting license for coal necessarily confers the right to prospect for and work (1) other minerals and (2) mineral oil; and

(*b*) whether it necessarily confers on the licensee the right to obtain a mining lease for (1) other minerals and (2) mineral oil. Secondly, it is asked whether the reservation to section 1 of the model form of prospecting license permits the grant of prospecting licenses for different minerals to different persons in the same area.

2. In reply I am to say that the Government of India have always recognised that for special reasons a person might be permitted to work one mineral but not another. Formerly, for instance, persons who were not British subjects, were permitted to work unreserved, but not reserved minerals. Or again, it might be

unwise under certain local conditions to allow a person who was quite competent, say, to quarry manganese, to attempt to mine coal. But the Government of India consider that any such restriction should be imposed through the certificate of approval, which may, when necessary, limit the minerals which the holder is authorised to work. Such limitations, however, should not be arbitrary ; and unless there is strong reason to the contrary, the certificate should be unlimited. Nor should there be any subsequent restriction. The holder of an unlimited certificate of approval, who is granted a prospecting license over any area, should be entitled to prospect for all minerals, including mineral oil, occurring therein ; and under rule 32 of the Mining Rules the right to prospect carries with it the right to a mining lease. The mining lease, however, must specify the mineral or minerals which the lessee proposes to work.

3. With regard to the second query, I am to say tht the Government of India are of opinion that prospecting licenses for different minerals should not be granted to different persons in the same area. According to the principles laid down in the last paragraph, this would only be possible when one of the licensees held a limited certificate of approval ; and even then it would be undesirable. Similarly also, mining leases for different minerals should not be granted to different persons in the same area, unless the original lessee is preventing the exploitation by others of minerals not included in his lease, which he is unable or unwilling to work himself. In such cases Part IV-1 of the model mining lease might properly be enforced.

G. M. Press, Simla.—No. 32 C. & I.—13-5-19—1,300—K.C.M.

Two alternative dr.

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G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,
( )
, the 191 .

Date of issue 16th June 19

Signed by M. C. S. B. Iyer.

Section Geol
File No. 33-18.
Serial No. 8

No. Col 1255

To The T.A. Resident,

Sir,

I am directed to acknowledge with thanks the receipt of your office endorsement no 4493 dated 9-6-19 forwarding for information a copy each of letter no 443-R dt 7-12-18 from the chief commissioner of Assam to the Govt of India dept of Commerce & Industry; no 2094 dt 17-4-19 from the Govt of India, dept of Commerce & Industry to the chief Commissioner of Assam in regard to certain questions raised in connection with applications for licenses to prospect for coal & for oil & oils

over.

P.T.O.

mineral products in respect of the lease and
to request that if convenient two more
copies of the lease may kindly be
forwarded.

J Lovett

Dec 18/16

Private Secretary to Govt.

List of enclosure

Copied by

Examined by

WD 86—GPB—60,000—15-11 16

Fol 1701

DIARY NO. 2-1118

8

C. O. 45.—R. P. B.—2-1919.—1,000.

No. 4783/Misc 2. DATED BANGALORE 19 June 1919.

Gpol 88-8-9

FROM

C.T.C. PLOWDEN,
MAJOR ~~E.H.S.JAMES~~, I.A.
First Assistant to the Resident in Mysore.

CHIEF SECRETARIAT. IV MINOR Depts. 19 JUN 1919

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Reference ~~my~~ your ~~telegram~~ letter No. 1255 dated the 16th June 1919.

Subject

Asking for two more copies of letters No. 4443-R., dated the 17th December 1918, from the Chief Commissioner of Assam; No. 2094., dated the 17th April 1919, from the Government of India, Department of Commerce and Industry.

The copies are forwarded.

Not signed

For First Assistant Resident.

I.S.

No. 4443-R., dated Shillong, the 7th December 1918.

From—The Hon'ble Mr. J. E. Webster, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner of Assam,

To—The Secretary to the Government of India, Department of Commerce and Industry.

I am directed to submit for the orders of the Government of India certain questions which have arisen in connection with applications for licenses to prospect for coal and for oil and other mineral products in respect of the same area.

2. In Mr. Gruning's letter No. 7583-7595-121, dated the 15th September 1913, it is said that a prospecting license now confers on the licensee the sole right to work all minerals, instead of only those specified in the license. In Mr. Elliott's letter No. 5956-184, dated 17th July 1916, it is explained that the separate agreement regulating the working of reserved minerals should be used whenever reserved minerals are expressly or generally included in a prospecting license; and that the same forms and procedure should be adopted for prospecting licenses for oil with a few modifications.

Section 1 of the model form of license reserves to the Secretary of State liberty to allow other persons to enter upon the land for purposes other than those for which sole right and license are demised to the licensee, but it is nowhere clearly stated whether that liberty extends to the grant of a prospecting license for minerals other than those specified in Section 1 (1) of the license.

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(*b*) whether it necessarily confers on the licensee the right to obtain a mining lease for (1) other minerals, (2) mineral oil.

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unwise under certain local conditions to allow a person who was quite competent, say, to quarry manganese, to attempt to mine coal. But the Government of India consider that any such restriction should be imposed through the certificate of approval, which may, when necessary, limit the minerals which the holder is authorised to work. Such limitations, however, should not be arbitrary ; and unless there is strong reason to the contrary, the certificate should be unlimited. Nor should there be any subsequent restriction. The holder of an unlimited certificate of approval, who is granted a prospecting license over any area, should be entitled to prospect for all minerals, including mineral oil, occurring therein ; and under rule 32 of the Mining Rules the right to prospect carries with it the right to a mining lease. The mining lease, however, must specify the mineral or minerals which the lessee proposes to work.

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G. M. Press, Simla.—No. 32 C. & I.—13-5-19—1,300—K.C.M.

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G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to .....

GENERAL AND REVENUE SECRETARIAT,
( )
, *the* 191 .

Date of issue 27-6-1919

Signed by Mr M.V. Iyengar

Section Geol
File No. 33-18
Serial No. 10

No. G 28746/one

To The Director, Dept of Mines & Geology

Sir,

In continuation of this office letter no G 17451/Geol 33-18-6 dt 15-2-19, I am directed to forward herewith a copy each of the letters no 443-R dt 7-12-18 from the Chief Commr of Assam to the Govt of India, Dept of Commerce & Industry; no 2094 dt 17-4-19 from the Govt of India, Dept of Commerce & Industry to the Chief Commr of Assam in regard to certain questions raised in connection with applications for licenses to prospect for coal &c

over.

oil & other mineral products in respect of the same area.

Share certificate

Prescribed particulars

List of enclosure

Copied by

Examined by

WD 86—GPB—60,000—15-11 16